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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TONY THAI PHAN, )  
 )  
Defendant. )

13-0556-PJH  
No. CR ~~3-12-71283-MAG~~

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING APPEARANCE  
DATE AND EXCLUDING TIME  
PURSUANT TO FED. R. CRIM. P. 5.1 &  
18 U.S.C. § 3161**

The parties, by and through counsel, stipulate and agree as follows:

1. The time limits in Fed. R. Crim. P. 5.1(c) shall be extended to and until September 19, 2013, and the hearing scheduled for August 22, 2013, vacated.

2. Counsel for the United States and the defendant wish to exchange certain information, and to meet and confer to discuss a potential resolution of the case. Counsel for the defendant believes based on the charges alleged that it is in the best interest of the defendant to obtain further information, consult with the defendant, and meet with the government; counsel for the government believes that it is in the interests of justice to do so. The parties agree that extending the time limits of Rule 5.1 serves the ends of justice and outweighs the interests of the public and

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1 the defendant in a speedy trial, and that failing to extend the time limits would deny counsel for  
2 the government and the defendant the reasonable time necessary for effective preparation, taking  
3 into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7).

4 3. The hearing scheduled for August 22, 2013, should be vacated. The next court  
5 appearance in this case shall be September 19, 2013, at 9:30 am before the duty magistrate in  
6 Oakland, for preliminary hearing or indictment. The parties may seek further extension of the  
7 time limits in Rule 5.1(c) by stipulation.

8 SO STIPULATED AND AGREED,

9  
10 MELINDA HAAG  
United States Attorney

11  
12 DATED: August 22, 2013

13 /s/  
CAROLYN SILANE  
Special Assistant United States Attorney

14  
15 DATED: August 22, 2013

16 /s/  
Seth Chazin  
Attorney for Tony Phan

17  
18  
19 [PROPOSED] ORDER

20 Pursuant to stipulation, Fed. R. Crim. P. 5.1, and 18 U.S.C. 3161(h)(7), IT IS SO  
21 ORDERED.

22  
23  
24 DATED: 8/22/2013

25   
HON. DONNA RYU  
United States Magistrate Judge